

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

JOSE MANUEL SAVALA,
Appellant.

Nos. 2 CA-CR 2016-0165 and 2 CA-CR 2016-0166 (Consolidated)
Filed October 5, 2016

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.

Appeal from the Superior Court in Cochise County
Nos. CR201400652 and CR201500335
The Honorable James L. Conlogue, Judge

AFFIRMED

COUNSEL

Mark A. Suagee, Cochise County Public Defender
By Xochitl Orozco, Deputy Public Defender, Bisbee
Counsel for Appellant

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MEMORANDUM DECISION

Judge Espinosa authored the decision of the Court, in which Presiding Judge Howard and Judge Staring concurred.

ESPINOSA, Judge:

¶1 After a revocation hearing, the trial court determined Jose Savala had violated probation conditions imposed in two different cases by, on two occasions, failing to be at his approved residence or another authorized location. It revoked probation in each cause number. In CR201400652, the court imposed concurrent prison terms, the longer of which is 3.5 years, for Savala's underlying convictions of possession of a dangerous drug and attempted involvement of a minor in a drug offense. In CR201500335, the court imposed a one-year prison term for the underlying conviction of disorderly conduct involving a deadly weapon or dangerous instrument, consecutive to the term imposed in CR201400652.

¶2 In each case, counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), asserting she has reviewed the record but found no arguable issue to raise on appeal. Consistent with *Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d at 97, she has provided "a detailed factual and procedural history of the case with citations to the record" and asks this court to search the record for error. Savala has not filed a supplemental brief.

¶3 "We view the evidence in the light most favorable to sustaining the [trial] court's finding." *State v. Tatlow*, 231 Ariz. 34, ¶ 15, 290 P.3d 228, 233-34 (App. 2012). Sufficient evidence supports the court's finding here. On January 4 and January 5, 2016, while Savala was on probation in the cause numbers listed above, a probation officer went to Savala's home at a time he was required by

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the terms of his probation to be there, but nobody answered the door, and there were no vehicles in the driveway. The trial court acted within its discretion in revoking Savala's probation, and his sentences are within the statutory range and were properly imposed. A.R.S. §§ 13-702(D), 13-901(C), 13-1001(C)(2), 13-2904(B), 13-3407(B)(1), 13-3409(B).

¶4 Pursuant to our obligation under *Anders*, we have searched the record for fundamental error and found none. *See State v. Fuller*, 143 Ariz. 571, 575, 694 P.2d 1185, 1189 (1985). The trial court's orders revoking Savala's probation and the sentences imposed are therefore affirmed.